



SHAMIS & GENTILE, P.A.
CLASS ACTION LAW FIRM

The Clerk of Court is respectfully requested to terminate ECF No. 8.

DALE E. HO
United States District Judge Dated:
October 1, 2024
New York, New York

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September 25, 2024

VIA ECF

Honorable Dale E. Ho
Thurgood Marshall United States Courthouse
40 Foley Square, New York, NY 10007

Re: *Fried, et al. v. Beauty Fx Spa Inc. D/B/A Beautyfix Medspa*, Case No. 1:24-cv-05040 (S.D.N.Y) – Plaintiff's Request for Adjournment of Initial Pretrial Conference.

Dear Judge Ho:

We represent Plaintiff, Jonathan Fried, in his claims against Defendant Beauty Fx Spa Inc. D/B/A Beautyfix Medspa ("Defendant"). We write to formally request an adjournment of the Initial Pretrial Conference currently set for October 2, 2024 at 2:00 PM, based on Plaintiff's pending Motion for Entry of Clerk Default [ECF No. 7], filed on September 23, 2024.

Pursuant to Your Honor's Notice of Initial Pretrial Conference [ECF No. 5] Plaintiff states that he has not previously requested an adjournment in this case, Defendant has not appeared or otherwise responded to Plaintiff's Complaint and that based on Defendant's failure to serve a response to Plaintiff's Complaint within the time permitted under Fed. R. Civ. P. 12(a), Plaintiff filed its Motion for Entry of Clerk Default [ECF No. 7], filed on September 23, 2024 which is still pending before this Court.

Based on the foregoing, Plaintiff has been unable to confer with Defendant regarding a Joint Civil Case Management Plan and Scheduling Order. Plaintiff intends to comply with Your Honor's procedures for default proceedings if Plaintiff's pending Motion for Clerk Default is entered. Accordingly, Plaintiff respectfully submits this first request to adjourn the upcoming October 2, 2024 Initial Pretrial Conference.

Respectfully submitted,
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